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October 16, 2020

Via ECF

The Honorable Lois Bloom, U.S.M.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Crowell Converse v. Staten Island Aid for Retarded Children, Inc., et al.*
Case No. 20-cv-00637 (ENV) (LB)

Dear Judge Bloom:

We are counsel to Plaintiff. We respectfully submit this Status Report, jointly with counsel to Defendants *Staten Island Aid for Retarded Children, Inc., et al.* in accordance with the Court's August 6, 2020 Order (Dkt. No. 17).

The parties have exchanged the limited discovery as required by the Court's August 6, 2020 Order (Dkt. No. 17) and have met and conferred regarding settlement on October 6, 2020 at 9:00 a.m., though the parties were unable to settle the matter at the time. At this time, the parties have different views on how to proceed with the case:

Plaintiff:

After reviewing the discovery provided by Defendants, having the required meet-and-confer for settlement, and discussing the matter with our client, Plaintiff intends to amend the Complaint to include class claims.

There is a disagreement in the scope of settlement between the parties and mediation would be futile at this point. However, Plaintiff believes these options should be revisited after Plaintiff files an Amended Complaint, Defendants answer, and the parties exchange discovery.

Therefore, Plaintiff intends to request consent from Defendants and/or leave of the Court to file an Amended Complaint. Furthermore, if Plaintiff's request for leave to file an Amended Complaint is granted, Plaintiff requests that the parties should move forward and have their Rule 26(f) conference and file a joint discovery schedule once Defendants have answered the Amended Complaint and to adjourn any EDNY mediation, private mediation or settlement conference to a date after the initial written discovery has been exchanged.

Defendants:

Plaintiff Magda Crowell-Converse's Complaint is a single plaintiff Complaint. The Complaint does not contain any putative class or collective action claims and thus the discovery exchanged by both sides pursuant to the Court's August 6th Order was limited to documents and information pertaining to Ms. Crowell-Converse. During the parties' October 6th meet-and-confer, despite the absence of any class claims, Plaintiff's counsel stated for the first time that he only would be interested in settlement at this time if there was a classwide settlement. Accordingly, there was no settlement reached. Defendant is amenable to EDNY mediation or a settlement conference with the Court within the next 60 days to attempt to resolve Ms. Crowell-Converse's claims. To the extent that Plaintiff/Plaintiff's counsel are unwilling to resolve the case with the parties who are currently part of the case, then Defendants agree that mediation at this juncture would be futile.

We thank the Court for its time and consideration.

Respectfully submitted,

/s/ C.K. Lee

C.K. Lee, Esq.